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OCT 31 2002IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Crompton et al.

Serial No: 09/724,964

Filed: November 28, 2000

For: Methods and Compositions for
Regulating Lymphocyte Activity

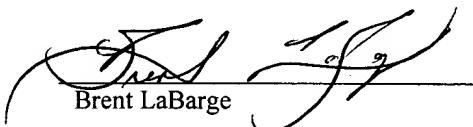
Attorney Docket No. CIBT-P01-080

Art Unit: 1646

Examiner: Michael Brannock

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents Washington, D.C. 20231 on the date indicated below:

October 22, 2002Date of Signature
and of Mail Deposit
Brent LaBarge

Commissioner of Patents
Washington, D.C. 20231

REPLY TO OFFICE COMMUNICATION

The Office Communication, mailed October 18, 2002, in connection with the above application notes that Applicants' election of Group I is acknowledged. However, the Examiner asserts that Applicants' species election is not ascertainable and election of a single molecule for prosecution is required.

In reply to the species election in the Office Communication, Applicants hereby elect with traverse a benzene-modified hedgehog polypeptide of SEQ ID No. 15 as a single molecule species. Applicants traverse the species election since the species subjected to election are encompassed by Markush groups. Pursuant to MPEP 803.02, "If the members of the Markush group are sufficiently few in number or so closely related that a search and examination of the entire claim can be made without serious burden, the examiner must examine all claims on the merits, even though they are directed to independent and distinct inventions." In addition, Applicants respectfully point out that the search of the Markush-type claim will be extended to

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non-elected species should no prior art be found that anticipates or renders obvious the elected species (MPEP 803.02).

The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945**.

Date: October 22, 2002

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Respectfully Submitted,



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